

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated November 12, 2004. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

Claims 2-13 and 16-19 are under consideration in this application. cancel claims 1 and 14-15 without prejudice or disclaimer. Claims 2-13 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicants' invention. New claims 16-19 are being added to recite other embodiments described in the specification.

All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### Formality Rejection

Claims 1, 5, 9, 11 and 13 were objected to for various formal errors, and claims 1- 5 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Specifically, the Examiner considered the claims as not conforming to US patent practice. As indicated, the claims have been amended as required by the Examiner. Accordingly, the withdrawal of the outstanding informality rejection is in order, and is therefore respectfully solicited.

#### Prior Art Rejections

Claims 1-5, 10-11 and 12-15 were rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,226,734 to Kleinsorge et al. (hereinafter "Kleinsorge"), claims 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kleinsorge in view of US Patent No. 6,279,098 to Bauman et al. (hereinafter "Bauman"), and claims 7 – 9 were rejected over Kleinsorge in view of US Patent No. 6,2763,519 to McColl et al. (hereinafter "McColl"). These rejections have been carefully considered, but are most respectfully traversed.

The computer of the invention comprises: one or more CPUs; a main memory; and one or more input/output means. The computer is capable of being divided into a plurality of partitions. The computer further comprises means for controlling allocation of the input/output means for the partitions.

As now recited in claim 5 (Fig. 19; p. 28), the computer further includes means for monitoring input/output performance of said partitions, means for prescribing an allocation ratio of the input/output means for each of partitions means for monitoring input/output performance of each partition (as recited in claim 2), means for automatically changing said prescribed input/output ratio of the input/output means for said partitions without mediation of an operator when the input/output performance of said partitions falls to a prescribed level (“(4) Automatic change of I/O allocation. Based on measured results of I/O performance of partitions and the prescribed change condition of I/O allocation, the partition control program changes the I/O allocation without mediation of an operator.” P. 28, lines 5-8; Steps 7101-7102). Claim 16 recites all the elements in claim 1 and additional elements.

As now recited in claim 7 (Fig. 20; pp. 29-30), the computer further includes means for comparing processing capability of each partition with a prescribed lower limit capability of the partition according to SLA (Service Level Agreement), means for determining whether said capability is less than the lower limit capability is caused by a CPU bound or an input/output bound according to CPU performance and input/output performance of the partition (“the reason is identified as a CPU bound or an I/O bound (Step 7204)” p. 29, last line to. P. 30 1<sup>st</sup> line), and means for increasing input/output allocation to said partition when the input/output bound caused said capability to drop to the lower limit capability and there is surplus in input/output performance of other partitions.

Applicants contend that none of the cited prior art references teaches or suggests a variable valve timing control device having such “means for automatically changing said prescribed input/output ratio of the input/output means for said partitions without mediation of an operator when the input/output performance of said partitions falls to a prescribed level (claims 5 and 16)” or “means for determining whether said capability is less than the lower limit capability is caused by a CPU bound or an input/output bound according to CPU performance and input/output performance of the partition (claim 7)” according to the invention.

Kleinsorge was relied upon by the Examiner to teach claim 5 (p. 4, last paragraph of the outstanding Office Action). However, Kleinsorge’s computer system only functions as a

plurality of logical partitions, and the resources are allocated to each partition includes CPUs, main memory, and I/O devices. Kleinsorge fails to disclose any means for changing allocation ratio of I/O means to a partition according to monitored I/O performance. In particular, Kleinsorge is directed to "allocation change by operators" (col. 3, line 5). The column 12 of Kleinsorge is also entirely silent as to "automatic I/O allocation change" as defined in claims 5 and 16.

McColl was relied upon by the Examiner to teach claim 7 (p. 8, paragraph number 24 of the outstanding Office Action). However, McColl is silent regarding any means for determining whether processing capability down is due to a CPU bound or due to I/O bound.

Bauman was relied upon by the Examiner to teach claim 6 (p. 7, paragraph number 21 of the outstanding Office Action). However, Bauman fails to compensate for the deficiencies of Kleinsorge and McColl.

Applicants contend that the cited references or their combinations fail to teach or disclose each and every feature of the present invention as disclosed in the independent claims 5, 7 and 16. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

#### Conclusion

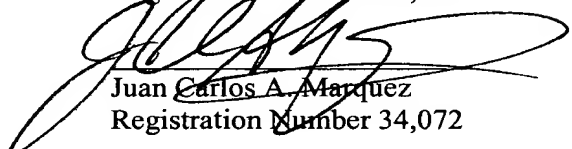
In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicants respectfully contend that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance

of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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